

Regular Session, 2010

HOUSE CONCURRENT RESOLUTION NO. 9

BY REPRESENTATIVE RICHMOND

LAW ENFORCE/CRIM JUS COM: Directs the Louisiana State Law Institute to study finality and accuracy of criminal convictions

1 A CONCURRENT RESOLUTION

2 To direct the Louisiana State Law Institute to study and make recommendations for the
3 revision of the laws regarding criminal procedure, the preservation of forensic
4 evidence, confessions and admissions, the code of evidence and all other issues
5 regarding the finality and accuracy of criminal convictions.

6 WHEREAS, wrongful convictions harm not only the innocent people who spend
7 years in prison for crimes they did not commit, but the communities where the crimes are
8 committed, and the actual criminals continue to commit crimes; and

9 WHEREAS, wrongful convictions harm the families of the victims of these crimes,
10 who years after the crime are subjected once again to court proceedings, media coverage,
11 and, perhaps worst of all, the realization that the finality they thought they had was an
12 illusion; and

13 WHEREAS, wrongful convictions also harm the jurisdictions where they take place
14 because enormous amounts of money are spent on court proceedings and in the wake of each
15 new exoneration, public confidence in law enforcement may be shaken; and

16 WHEREAS, since the first DNA exoneration in 1989, two hundred and fifty one
17 people have been freed from United States prisons because of DNA testing; and

18 WHEREAS, in the last twenty years in which scientific evidence of wrongful
19 convictions has come into existence, the question is no longer, "Could an innocent person
20 be convicted in our justice system?" but, "How often does it happen?"; and

1 WHEREAS, the leading causes of wrongful convictions are eyewitness
2 misidentification, false confessions or admissions, improper forensics, reliance on bad
3 informants, ineffective assistance of counsel, and government misconduct; and

4 WHEREAS, careful review of the laws regarding each of these areas of the criminal
5 justice system is warranted to effect reform efforts.

6 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
7 direct the Louisiana State Law Institute to study and make recommendations for the revision
8 of the laws regarding criminal procedure, the preservation of forensic evidence, confessions
9 and admissions, the code of evidence and all other issues regarding the finality and accuracy
10 of criminal convictions in this state.

11 BE IT FURTHER RESOLVED, that the Louisiana State Law Institute work in
12 conjunction with and request information from the Louisiana District Attorneys Association,
13 the Louisiana Public Defender Board, the Louisiana Sheriffs' Association, the Louisiana
14 State Police, the Louisiana Commission of Law Enforcement and the Administration of
15 Criminal Justice, Innocence Project of New Orleans, and any other agencies or associations
16 deemed appropriate by the committee regarding this study.

17 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
18 to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute
19 report its findings and recommendations to the Legislature of Louisiana on or before January
20 1, 2013.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richmond

HCR No. 9

Directs the LSLI to study and make recommendations for the revision of the laws regarding criminal procedure, the preservation of forensic evidence, confessions and admissions, the code of evidence and all other issues regarding the finality and accuracy of criminal convictions in this state.